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6
7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
9 (HONORABLE DANA M. SABRAW)

10 SUIHUAN CAO,

11
12 Petitioner,

13 v.

14 MICHAEL CHERTOFF, et al.,

15 Respondents.

Civil Action No. 07-CV-0511-DMS (BLM)

DECLARATION OF SUIHUAN CAO

16 I, Suihuan Cao, hereby declare:

17 1. I am an adult, over eighteen years old, and competent to make this declaration. I am the
18 petitioner in this action.

19 2. In the twelve and a half years between September 1994 and June 2007, I lived at 7635
20 Overbrook Avenue, Philadelphia, Pennsylvania 19151. During that time, I was under an immigration bond
21 posted by my family. I informed the immigration officers of my address. They knew where I lived, and I did
22 not move anywhere else. I was living at home and working at my parents' Chinese restaurant. If someone
23 wanted to contact me, they could contact me at home or at the restaurant.

24 3. I was also on parole for a New York State offense. I started out on parole in New York,
25 but then my parole was transferred to Philadelphia in approximately September 1994 so I could live with my
26 family at 7635 Overbrook Avenue. My parole officer knew my address. I never tried to hide my whereabouts
27 from immigration officials, or anyone else. I was not a "fugitive."

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1 4. I went to several immigration hearings in 1995. I never hid my address from the
2 immigration officials. I know that during at least one of those hearings, I told the immigration judge my exact
3 address at 7635 Overbrook Avenue. Sometime in October 1995, the immigration judge ordered me removed.
4 I was represented by an attorney, Mahmoud Ramadan, Esquire. He filed an appeal for me.

5 5. No one from the INS or any other government agency ever contacted me to tell me to
6 surrender for deportation. No one ever told me I was supposed to go see to the deportation officers on August
7 6, 1999, or any other date. I never got a letter saying anything like that. I never got a phone call saying
8 anything like that either. No one from Fidelity Insurance Company, or anyone else, ever told me anything
9 about surrendering.

10 6. The first time I ever heard that INS wanted me to surrender in August 1999 was a few
11 weeks ago, from my attorney in my habeas case, Janet Tung. Ms. Tung told me that the government said I
12 was a "fugitive." I don't understand how I could be a fugitive if INS knew where I was and no one ever told
13 me that I was supposed to surrender for deportation. If INS had told me that I was supposed to surrender in
14 1999, I would have. I would have gone to the immigration officials at the time and day I was supposed to.

15 7. I did not hide out anywhere. I was living at home and working. I was still living at 7635
16 Overbrook Avenue, the same address I gave the immigration officials in 1994, when I was arrested and taken
17 into immigration custody on June 5, 2007. In fact, the immigration officers came to my house when they took
18 me into custody eleven months ago.

19 8. I was first taken by the immigration officers to York County Jail. Then they moved me to
20 other facilities in Pennsylvania and Southern California, and finally to the San Diego Detention Facility
21 (CCA), where I am now.

22 9. Since I have been in immigration custody, I have filled out the forms the deportation
23 officers asked me to. I have given them the information that I have. I have not refused to give any
24 information or documents. I was not able to give them my passport, because I do not have possession,
25 custody, or control of it. I do not know where it is.

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1 10. Specifically, while at CCA, I was given a form to fill out. On that form, I put down as
2 much of my personal information as I could remember. For example, I gave the ICE officers the phone
3 numbers for sisters, Qing and Jiang Cao, two of my aunts, my home address in Philadelphia, Pennsylvania
4 along with two contact phone numbers; the name and contact information of the director of a local community
5 service organization that I volunteered with; the name and contact number of a potential employer in the
6 trucking business; the names and contact information for my previous two places of employment; and
7 included a note containing additional information for the deportation officers to consider in their review. A
8 copy of this form, which I filled out as instructed, is attached hereto as Exhibit A.

9 11. While at CCA, sometime in late February or early March 2008, I spoke by telephone to
10 Consular Officer Young, at the Chinese Consulate in Los Angeles about my travel documents. He told me
11 that my request was still pending. I answered his questions truthfully. One of the things I told him was that
12 an attorney, Ms. Tung, was helping me get released. I told him that after I was released, I would look for an
13 immigration attorney to help me reopen my immigration case so I could try to stay here in the United States
14 with my family and two children in Philadelphia. I did not tell him that I had an appeal pending or that I had
15 already filed a motion to reopen because I did not have an appeal or motion to reopen pending. I did not tell
16 him that Ms. Tung was filing a motion to reopen. I spoke to Mr. Young in Chinese, my native language, and
17 I'm pretty sure he understood me.

18 12. I would like to be released from immigration custody so I can go back to my family and
19 help them out. My father is sick with cancer and our family is very worried about him. He has to have
20 surgery. My sisters need me to help take care of him and help pay the bills. I also have two little children to
21 take care of. Exhibit B is a picture of my children. If I am released, I will live at 7635 Overbrook Avenue,
22 Philadelphia, Pennsylvania, where I have lived for the last 14 years. I understand that even though I want to
23 stay in the United States, I could be deported to China eventually. If immigration tells me to surrender myself,
24 I will, just as I would have if they had sent me a letter in 1999.

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13. My native language is Chinese. I speak and understand enough English, however, that I can understand the contents of this declaration. To ensure that I understood this declaration, it was read aloud to me line by line, and explained in simple language.

I certify under the laws of the State of California that the foregoing is true and correct.

Executed in Otay Mesa, California on May 16, 2008.


SUIHUAN CAO
Declarant

EXHIBIT A

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POST ORDER CUSTODY REVIEW WORKSHEET FOR FILE REVIEW
PLEASE COMPLETE THE FOLLOWING INFORMATION-

Please complete all information and return it As Soon As Possible to
Deportation Officer Avalos or any ICE officer. If you have any additional
information you may return it with this form.

Name: CAO, SUI HUAN
"A" Number: A38 494 554

Date: 12/21/2007

Date of Birth: ~~12/21/2007~~

6/14/70

AKAs:

Country of Birth: CHINA

Citizenship: CHINA

Deportation Officer: Pitt/Avalos

Date of Review: Upon Completion

Location Detained: Otay Mesa Detention Facility
446 Alta Rd, #5400
San Diego, CA 92158

Place to live in the United States? Address & Phone number

☒ Yes

☐ No

7635 OVERBROOK AVE (215) 879 0794
Philadelphia P.A. 19157 (267) 334 2246
4426

Subject to any parole or probation requirements?

☐ Yes

☒ No

Name address and telephone number of parole/probation Officer.

Close family ties within the United States, list names (Indicate Relationship to you), address
And phone numbers.

☒ Yes

☐ No

590 LOWERLANDING RD (Sister) (267) 334 4426

Blockwood N.J. 0812

AUNT (917) 293-8726

XIAO CAO (215) 255 5033

AUNT (610) 449-4019

Any community ties or non-governmental sponsors, list names address and phone
numbers.

Jioug CAO (215) 307 7110. (Sister)

☒ Yes

☐ No

I did some After school ^{"kids"} VOLUNTEER
Community service The DIRECTORS NAME IS "DAVID seng"
Phone# (267) 918-8493 yes you can call to verify.

Any employment prospects?

☒ Yes☐ No

Name, address and telephone number of supervisor.

145-18 156 st Name Tommy Cheung (GM)
 Unit 62 Jamaica (646) 673-2583
 N.Y. 11434 TE Tucking Co

Employment history, list name and address of last employer?

145-18 156 st Name Tommy Cheung (GM)
 Unit 62 Jamaica (646) 673-2583
 N.Y. 11434 TE Tucking Co

KO-WAN Restaurant
 3326 West morning Ave
 Philadelphia, PA. 19134

List educational level?

High School Graduate -

List any vocational training?

yes I've TRAINED as a volunteer
 After school community service. I've also
 MANAGED a RESTAURANT for 10 years. I've also
 DROVE A TRUCK for 3 yrs.

Other documentary evidence for consideration in this review:

OK. LET'S SEE, I HAVE AUNTS, NIECE, PARENTS, GRANDPARENTS & more
 importantly a wonderful wife & 2 kids who I love with all my heart &
 I BEEN HERE in the UNITED STATES along with all my relatives 27 years
 I would love just one more chance with my family here in U.S. so
 CAN you please give me this last opportunity here. I also
 CAN provide for my family as I have been. My father owns a
 BUSINESS. He needs me out there to help run the business.
 I need them, just like they need me. I can provide evidence
 of this job (267) 334-2646 Business Number sincerely
 334-4426
 with all due
 respect
 Sin'Ch
 Thank you...

Close Family Ties Relationship in U.S.A.

(Aunt) CAO Jiu Shung (646) 327-5326,
6058 Woodbine Ave
Ridgewood, N.Y. 11385.

(Aunt) CAO AM Nong (610) 947-4018.
801 Wild Hill
Drexel Hill, P.A. 19026.

(Super) XIAO CAO (215) 255-5033
590 Lower Landing RD.
Blackland N.J. 0812.

(Home) 7635 Overbrook Ave (215) 879-0794
Philadelphia P.A. 19151.

EXHIBIT B

